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8 *Attorney Proceeding as Pro Se Plaintiff*

9

10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12

13 Jonathan Corbett,  
14 *Plaintiff*

15 v.

16 U.S. Transportation Security  
17 Administration,  
18 *Defendant*

19 Case No. 2:22-CV-6920

20

21 **COMPLAINT**

22

23 **Introduction**

24 1. The Freedom of Information Act (FOIA) reflects a “profound national  
25 commitment to ensuring an open Government.” Presidential Memorandum for  
26 Heads of Executive Departments and Agencies Concerning the Freedom of  
Information Act, 74 Fed. Reg. 4683 (Jan. 21<sup>st</sup>, 2009).

27 2. The U.S. Transportation Security Administration (TSA) appears to think that  
28 it is “special” and does not have to actually process, let alone respond, to FOIA  
requests made of it on a regular basis.

29 3. TSA is not, in fact, special, and Plaintiff asks the Court to order it to release  
30 records sought in three separate requests.

## PARTIES

4. Plaintiff Jonathan Corbett is a member in good standing of the Bar of the Court, as well as that of the California Supreme Court, the Ninth Circuit Court of Appeals, the U.S. Supreme Court, and various other federal districts and circuits, and has a principle place of business in Los Angeles County, CA.

5. Defendant U.S. Transportation Security Administration is a federal agency and sub-component of the U.S. Department of Homeland Security.

## **JURISDICTION & VENUE**

6. Subject-matter jurisdiction, personal jurisdiction, and venue are all provided by 5 U.S.C. § 552(a)(4)(B).

## **ALLEGATIONS OF FACT**

7. Plaintiff is a Los Angeles-based attorney with a nationwide practice that specializes in, *inter alia*, federal civil litigation against TSA.

8. As such, Plaintiff is regularly contacted by members of the public with narratives of misconduct by TSA, whether in the form of requests for legal assistance or otherwise.

9. Based on these tips from the public, as well as personal experience and research, Plaintiff often seeks agency records using the procedures set forth by FOIA.

10. However, the agency often fails to respond, responds that it will not process the request, improperly denies the request, or improperly classifies the requested documents as “Sensitive Security Information” (6 U.S.C. § 114).

11. Plaintiff brings this action in response to 3 such FOIA requests, all of which Plaintiff made on behalf of himself (*i.e.*, not on behalf of a third party as attorney).

12. FOIA Request 1 was submitted June 10<sup>th</sup>, 2020 and was assigned 2020-TSFO-00483 by the agency.

1       13. This request was for documents establishing the cost of a TSA software  
2 development project.

3       14. Under FOIA's 20-day timeline, a response was due June 30<sup>th</sup>, 2020.

4       15. However, Plaintiff received nothing but extension notifications until 572 days  
5 later, January 3<sup>rd</sup>, 2022.

6       16. TSA's response was a heavily-redacted document that was described as the  
7 agency's "interim response."

8       17. Plaintiff made multiple attempts to contact the agency to obtain a "final"  
9 response, and as of the date of filing this lawsuit, no final response has been received,  
10 now 837 days later.

11       18. FOIA Request 2 was submitted June 14<sup>th</sup>, 2021 and was assigned 2021-TSFO-  
12 00552 by the agency.

13       19. This request was for documents regarding a security search performed by TSA  
14 employees several days prior.

15       20. Under FOIA's 20-day timeline, a response was due July 4<sup>th</sup>, 2021.

16       21. However, the only response received was a request for a "Certification of  
17 Identity" required to request records under the Privacy Act.

18       22. Plaintiff did not request records under the Privacy Act; he requested them  
19 under FOIA.

20       23. Plaintiff clarified this for the agency via e-mail.

21       24. Notwithstanding, TSA "administratively closed" his request, *i.e.*, informed  
22 him that they were not denying the request, but would not process it either.

23       25. As of the date of filing this lawsuit, no substantive response has been received,  
24 now 468 days later.

25       26. FOIA Request 3 was submitted March 7<sup>th</sup>, 2022 and was assigned 2022-  
26 TSFO-00400 by the agency.

27       27. This request was for documents regarding another security search performed  
28 by TSA employees the month prior.

1           28.Under FOIA's 20-day timeline, a response was due March 27<sup>th</sup>, 2022.

2           29.Beyond an acknowledgement of receipt, the agency has provided no response  
3 to this FOIA request at all.

4           30.As of the date of filing this lawsuit, 202 days have passed since this FOIA  
5 request has been submitted.

6

7           **CLAIMS FOR RELIEF**

8           **Counts 1-3 – 5 U.S.C. § 552**

9           31.Plastic submitted three valid FOIA requests to TSA, a federal agency  
10 covered by FOIA.

11           32.All three of these FOIA requests were constructively denied as a result of not  
12 only exceeding the 20-day limit set by federal law, but exceeding it by at least ten  
13 times that timeframe.

14           33.Plastic is thus entitled to an order requiring TSA to provide the records  
15 sought and so requests of the Court in Count 1 (for "FOIA Request 1"), Count 2 (for  
16 "FOIA Request 2"), and Count 3 (for "FOIA Request 3").

## **PRAYER FOR RELIEF**

WHEREFORE Plaintiffs pray that the Court order the following relief:

- i. Injunctive relief requiring the agency to produce the records requested in FOIA Request 1, FOIA Request 2, and FOIA Request 3 under subsection (a)(4)(B) of FOIA;
- ii. Cost of the action;
- iii. Interest as allowed by law; and
- iv. Any such further relief as the Court deems proper.

Dated: Los Angeles, CA  
September 25<sup>th</sup>, 2022

Respectfully submitted,

/s/Jonathan Corbett  
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